IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 12TH DECEMBER 2007 / 21ST AGRAHAYANA 1929

Bail Appl..No. 7648 of 2007()

CRIME NO.739/2007 OF CHAVAKKAD POLICE STATION

: PETITIONER/ACCUSED

JAFAR,S/O. KHADAR, AGED 29 YEARS
PANICKAVEETTIL, THAMARATHU HOUSE
ORUMANAYOOR, KAZHUTHAKKAL, CHAVAKKAD.

BY ADV. SRI.C.A.CHACKO

RESPONDENTS: COMPLAINANT

THE STATE OF KERALA
REPRESENTING SUB INSPECTOR OF POLICE
CHAVAKKAD, REP. BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.7648 of 2007

Dated this the 12th day of December 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations for offences punishable inter alia under Section 452 I.P.C. The crux of the allegations against the petitioner is that on account of animosity which the petitioner entertained towards the de facto complainant who had complained about the indecent behaviour of the petitioner, the petitioner trespassed into the residential building of the de facto complainant, a neighbour and allegedly assaulted her indecently and showered obscene abuses on her. The alleged incident took place on 29/11/2007. Crime has been registered. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner prays that the petitioner may be granted anticipatory bail. All allegations raised against the petitioner are false, it is submitted.

3. The learned Public Prosecutor opposes the application. Investigation reveals that the allegations are true and the complaint is made bona fide. In any view of the matter, there is no circumstance justifying or warranting the invocation

of the extraordinary equitable discretion under Section 438 Cr.P.C, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This, I agree with the learned Public Prosecutor, is a fit case where the petitioner must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007